CHARLOTTE

Land Development Ordinance Alignment Initiative

Phase 1 Summary

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EXECUTIVE SUMMARY

The Land Development Ordinance Alignment Initiative is intended to identify and address ordinance provisions that are not mutually supportive of one another in achieving a common vision for land development in the City of Charlotte. This document summarizes the first phase of this initiative, which was intended to identify and prioritize ordinance requirements to be addressed.

Using a variety of tools, including a full-day retreat for all land development staff, development of a dedicated Sharepoint site, discussions with external stakeholders and survey instruments, staff sought comprehensive feedback on examples of ordinance language that represented misalignments between ordinances and policy. From a total of 53 issues, the three highest priority issues as determined through a criteria-based evaluation and discussion with the directors of Planning, Transportation and Engineering & Property Management are:

1) Establishing Consistent Requirements for Sidewalks and Frontage Improvements

2) Evaluate Strategies to Achieve Multiple Common Green Space Goals

3) Reevaluating Street Design Requirements in Environmentally Critical Areas

Staff will prepare to address these issues as well as others included in this summary as part of Phase II of this initiative.

This initiative also helped identify other needed improvements to how the City of Charlotte provides service for land development activities. Among them are 1) a need to sustain a relationship among management of all three member departments to address business issues from a collaborative perspective, 2) a need for various types of staff training, 3) a need for shared balanced scorecard targets, and 4) a reevaluation of the Subdivision Steering Committee and CDOT Director's Roundtable.

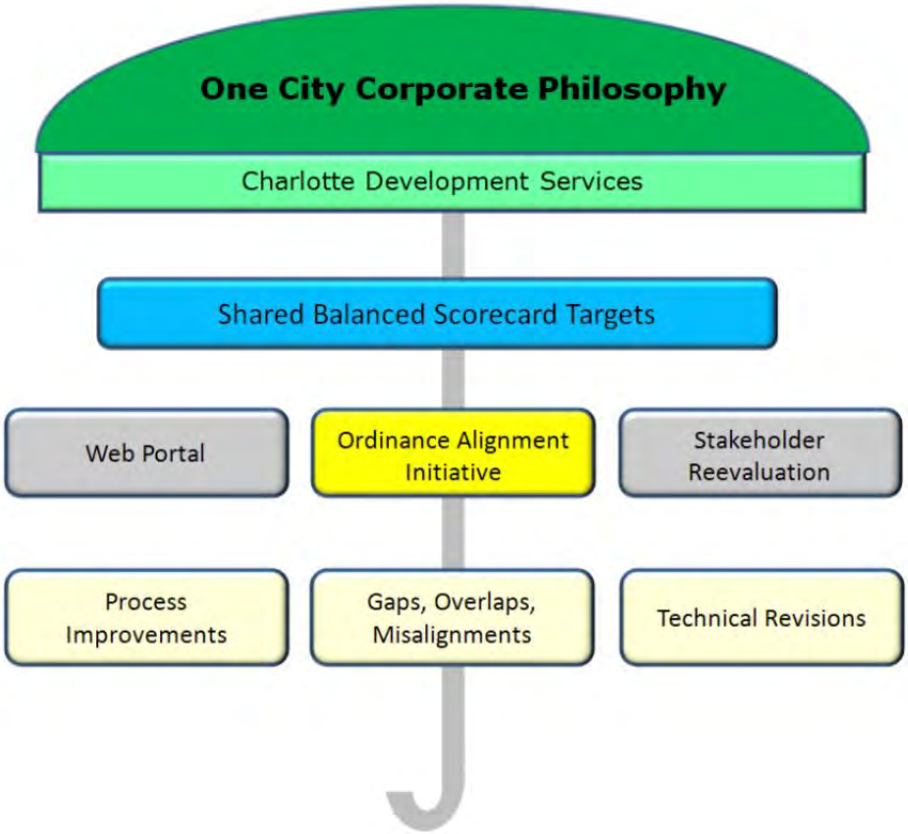
The next phase of this initiative will include planning for the implementation of ordinance revisions, a staff training program, various process improvements and the development of a framework for increasing administrative flexibility in the application of ordinance requirements.

I. PURPOSE

Land development and redevelopment proposals in Charlotte are subject to a variety of ordinances. Each ordinance has been well vetted and serves an important role in ensuring that as land development occurs, it protects the public and provides adequate comprehensive infrastructure. However, since these ordinances are numerous, complex, and administered across several departments, it is in the City's interest to ensure that they work together in support of a common vision and complement each other. This initiative was undertaken to ensure this happens.

This initiative occurred at a time when the City made a shift in its business philosophy away from a run-the-business model to a one-city corporate model. This initiative was executed in a way that would further this organizational goal. Planning, CDOT, and E&PM seek to move towards more collaborative and integrated land development activities that would be experienced as a single Charlotte Development Services team instead of a series of departments.

The Ordinance Alignment initiative itself is consistent with this shift, but should be seen as part of a larger effort to unify the city's regulatory function for land development. Other initiatives to further this effort include shared balanced scorecard targets across departments, a common internet portal, and a proposed reconstitution of development-oriented stakeholder groups.



II. SUMMARY OF DEVELOPMENT VISION

One of the early tasks for this initiative was the compilation of a written vision for Charlotte. The vision consists of a series of development-related objectives. Creation of a common vision serves two primary roles. First, it helps development services staff from all departments understand how their area of specialty fits into a broader set of development objectives. Second it provides a basis for assessing how different ordinances, as well as potential ordinance changes, support the vision for Charlotte.

The vision is based on five substantive areas: Land Use and Community Design, Transportation, Environment, Public Facilities and Infrastructure, and Economic Development. It borrows from, and builds upon, the Centers, Corridors and Wedges Growth Framework and other Council adopted policies. In addition, it incorporates some objectives that are based on practice within the City, but are not necessarily Council adopted. At the full day retreat for development services staff, additional input was obtained and used to supplement the original draft. The updated vision is provided on the following pages.

Land Use and Community Design

- Preserve and enhance existing neighborhoods
- Promote a greater mix of uses
- Ensure that adjacent land uses are compatible and that any negative impacts of new development is minimized
- Focus most intense development in Centers and Corridors
- Encourage a more compact development pattern to enable people to live, work and shop in close proximity
- Provide a range of housing types including affordable housing
- Ensure that development is high quality, visually appealing and fits into the existing context
- Design new development to make it easier for people to use transit, walk or bicycle
- Incorporate open space and natural features into an urban environment
- Design for safety

Transportation

- Create a network of more, and better designed streets that:
- Accommodate all users – motor vehicles, bikes, pedestrians
- Are compatible with the surrounding land uses, including using traffic calming where speeds and traffic volumes make achieving this compatibility challenging
- Help further place making and support economic development, in addition to mobility
- Complement the street network with a well-developed system of greenways, trails and pathway connections
- Provide outstanding community-wide public transportation services while supporting focused growth and sustainable development

Environment

- Protect the natural environment by preserving air quality, water quality and the tree canopy; retaining natural areas; providing open space; and minimizing impervious cover, as feasible
- Design development that is environmentally sustainable and that integrates the built environment and the natural environment
- Help reduce traffic congestion and maintain clean air by promoting development design that makes it easier for people to ride transit, walk, bicycle and/or shorten automobile trips
- Incorporate greenspace into new development, redevelopment and infill
- Reconcile and balance the various environmental concerns with other land use and economic development considerations

- Design neighborhoods with amenities like community gardens and walking trails that support "healthy living"
- Protect the environment by encouraging practices such as recycling and household composting
- Ensure that development regulations accommodate facilities that support the use of alternative energy sources

Public Facilities and Infrastructure

- Make efficient and coordinated investments in new and existing infrastructure to keep pace with development; increase capacity as needed to support higher density development in strategic locations like Centers and Corridors; and, sustain a high quality of life throughout Charlotte
- Use public infrastructure investment as a catalyst for transforming struggling parts of our community
- Design public projects as examples of the high quality, innovation and sustainability desired for infrastructure in our community
- Work with the private sector to ensure that providing new infrastructure continues to be a joint responsibility

Economic Development

- Support the creation of a diverse, growing and adaptable economy to ensure that Charlotte remains a prosperous and livable city
- Revitalize economically challenged business and residential areas
- Encourage the creation, retention and/or expansion of businesses and jobs, and a diverse and educated workforce to fill those jobs
- Promote redevelopment of significantly underutilized properties
- Place a higher priority on urban infill, redevelopment and reuse than on greenfield development
- Support long term neighborhood economic vitality
- Facilitate job growth by ensuring that regulations and permitting processes are business-friendly, allow innovative new development concepts and businesses, and are understandable for users
- Ensure that development regulations address and balance a range of community objectives, including high quality development, environmental considerations and economic development
- Continue to use a variety of tools to support economic development, including public/private partnerships

III. PRIORITIZED ORDINANCE MISALIGNMENTS

The issues identified during Phase I were ranked and prioritized based on several criteria including frequency of occurrence, implementation difficulty, and addressing known industry or staff frustrations. Those comments were then grouped where several issues could potentially be addressed in a single effort. The original comments and rankings are provided in Appendix A. The ranked and grouped issues are provided below.

1) Sidewalks and Frontage Improvements

Coordinate ordinance requirements for several ordinances including Subdivision, Zoning and Chapter 19 in order to:

a. Establish consistent triggers for when sidewalk and curb-and-gutter is required to be installed or improved;

b. Provide consistent design requirements for sidewalks and planting strips; and

c. Consider an administrative variances option for sidewalk requirements where sidewalk is not needed (for example, adjacent to a railroad or greenway) or where sidewalk is in significant conflict with other required improvements (for example, installation would significantly impact tree preservation).

2) Common Green Spaces

Evaluate strategies to better align PCCO natural areas requirements, Zoning Ordinance open space requirements, Tree Ordinance tree save requirements, and public park goals.

a. Explore new approaches that could achieve multiple goals in the creation of green space/environmental protection areas and satisfy the intent of all related ordinances;

b. Modify the Tree Ordinance to provide additional flexibility for sites located in Pedestrian Overlay Districts.

3) Street Design Requirements in Environmentally Critical Areas

Reevaluate standard design requirements in order to improve water quality in environmentally sensitive areas such as critical watersheds, including:

a. use of vegetation and ditches in lieu of concrete gutters to reduce water velocity and concentrated water discharge; and
b. modify vertical alignment requirements for new streets to minimize grading and tree removal.

4) Flexibility in Locating Storm Water BMP's

Consider allowing bioretention in zoning-required buffers where screening can still be achieved.

5) Consistent Definitions

Modify definitions across all land development ordinances in order to provide consistent administration, interpretation, and enforcement.

6) Triggers for Ordinance Requirements

PCCO, Zoning, and Tree Ordinance have different thresholds for applying site requirements. Review all ordinances in order to:

a. Seek a consistent threshold for when redeveloping sites must comply with various ordinances requirements; and

b. Seek consistency in how large sites are handled with respect to incrementally or comprehensively bring them into compliance with ordinance requirements.

7) Loss of required parking to comply with CDOT and Urban Forestry

Consider a change to the Zoning Ordinance to allow for an administrative reduction in minimum parking requirements where necessary to allow redeveloping sites to comply with Tree Ordinance and access requirements.

8) Proposed Rights-of-Way for Non-Local Streets

Review the use of transitional right-of-way to determine if this approach adequately identifies needed right-of-way for streets, especially in light of USDG policy.

9) Driveway Regulations and Small Urban Sites

Modify the Driveway Regulations to recognize small infill sites in order to prevent minimum driveway width and location requirements from overcoming other urban design goals.

10) *Competing Streetscape Design Objectives*

Evaluate various competing streetscape goals, including on-street parking, minimum soil volume requirements for street trees, roll-out trash handling, and other impervious surfaces.

11) Planting Strip Requirements for Private Streets

Ensure flexibility is available for planting strip dimensions for private streets that is similar to the flexibility available for parking design, centerline radius requirements, and other cross-sectional elements.

12) Parking

Establish conditions under which 90 degree parking should be allowed on public streets in order to balance flexibility with quality urban design.

13) Maneuvering in R/W

Reconsider prohibition of maneuvering in right-of-way for urban development on low volume streets in order to support a more urban and pedestrian-friendly development form.

IV. PROCESS IMPROVEMENTS AND OTHER IDENTIFIED ISSUES

The following items were identified that are not necessarily misalignments of ordinances and policies, but rather issues that seem to be worthy of addressing and either require no ordinance change or can be addressed within an ordinance without the need to align with any other ordinance or policy. These items are not prioritized, but are organized by lead department and anticipated fiscal year in which to be addressed.

Engineering & Property Management

1) ***Tree removal fees associated with required improvements (FY 13)***

If a street is required to be improved to a standard street section and it forces the removal of a tree, then the developer must pay a fee.

2) ***Sediment basin removal vs. homebuilding (FY 13)***

Streets should not be accepted until all sediment basins are removed. If this is something that cannot be achieved we should explore bonding for erosion control maintenance and removal.

3) ***Timely removal of all erosion control devices (FY 13)***

Not sure if this is a lack of ordinance authority or just a policy that should be revised. We have many sites with abandoned sediment basins, remnants of silt fences, etc., that become community eyesores. We should have the authority to require timely removal of these items when no longer needed and the proper procedures in place to make sure it happens.

4) ***Inlet protection on public streets needs to be provided and maintained (FY 13)***
If properly maintained, silt sacks in curb inlets would provide surface water protection for receiving streams where basins have been removed or otherwise unable to be placed.

5) ***Acceptance of street maintenance in ETJ (FY 13-14)***

Subdivision Ordinance conditions bond release upon construction of Ordinance required infrastructure (streets, storm drainage systems, etc.) not acceptance of street maintenance responsibility by City or NCDOT. NCDOT policies and procedures can unreasonably delay or prevent NCDOT subdivision street acceptance, forcing neighborhoods to privately maintain their streets until annexed by the City. With recent changes to annexation law and reduced demand for new homes, the timeline for annexation can be extended indefinitely. Consider the need for more protection of homeowners, possibly through Ordinance amendment adding a maintenance bond requirement or pursuing state funding for City maintenance of ETJ subdivision streets.

6) Subdivision Bond Requirements (FY 13-14)

Revise 20-58 of Subdivision Ordinance so that bond is released at street acceptance not when work is complete. Or convert existing bond to maintenance bond.

Planning

*1) **Banquet/conference facilities (To be incorporated into Zoning Ordinance assessment)***

Need definition, allowable districts and requirements. Property owners and potential tenants are constantly seeking business licenses and permits to operate these type operations. Currently, zoning is treating them as nightclubs since we have no control over individual events at these facilities. We assume that alcohol and entertainment will be provided.

2) Setback issues with USDG (FY 13)

Need Code clarification and/or clear policy and procedures for determining whether existing or future curb prevails. The responsible staff and how future curb is determined needs to be established. This is a major obstacle during plan review or providing code assistance to designers and property owners.

3) Solar arrays as an accessory use (To be incorporated into Zoning Ordinance assessment)

Need standards on solar arrays as accessory uses and clarification on when they cease being accessory and become power generating plants.

4) Lighting (To be incorporated into Zoning Ordinance assessment)

Current Code provisions do not include any measurable quantitative standards for lighting. The language is vague and general. In addition, lighting is mentioned numerous places in the Code and the language is not consistent.

5) Rezoning Comments (FY 13)

Not all departments are commenting on rezoning petitions during the review period, which causes major issues during the permitting stages.

6) Conventional Rezonings (FY 13)

Requests are received from other departments for conditional notes on conventional rezoning petitions. It appears that some education on the rezoning process and requirements would be helpful for commenting departments.

7) Conditional Rezoning Plans and Notes (To be incorporated into Zoning Ordinance assessment)

Site plans and notes are approved by City Council and only minor changes can be made through the administrative approval process. Only Planning can authorize administrative changes.

Transportation

1) ***Structured Flexibility (FY 13)***

   Develop tools / processes for a more structured approach to providing administrative flexibility, as discussed during and after retreat.

2) ***CLDSM Purpose Statement* (FY 13)**

   Develop an introductory page to the CLDSM describing the purpose of the manual in order to clarify its role in the development review process.

3) ***Communicating Setbacks for Proposed Curblines in Urban Districts (FY 14)***

   Inventory prior decisions about proposed future curbline locations in urban districts and develop a tool to communicate that information for the purposes of determining setback locations.

IV. LESSONS LEARNED FROM INITIATIVE

No Absolute Conflicts Found

This initiative was focused on identifying where ordinances were not working in support of a common development initiative and worked from the assumption that there were no outright conflicts among ordinances that prevented development from occurring. From the 53 issues identified, none represented conflicts.

Misalignments are Present

From the 53 comments received, 13 were determined to represent misalignments, gaps, or overlaps in ordinances where improvements appear needed to ensure the City achieves its vision for development.

Numerous Process Issues Remain

Though not the explicit goal of this initiative, the process revealed seven (7) potential process improvements that could help the City achieve its development vision. An additional nine (9) issues (mostly zoning or water quality) were identified that could help improve an existing ordinance or policy that does not appear to affect any other ordinance or policy.

Initiative Fostered Better Management across Departments

Prior to this initiative, the three managers most closely responsible for development activities in Planning, CDOT, and E&PM (Laura Harmon, Mike Davis, and Dave Weekly) had very little interaction and almost never met as a team. Collaborating on this initiative has revealed the value of meeting routinely as a team to discuss all kinds of matters affecting land development citywide, including personnel issues, complex or high priority projects, user fees, etc. Meetings that occurred for this initiative are responsible for generating other goals that include establishing common balanced scorecard targets, training goals, and reformatting standing stakeholder meetings.

The Importance of Flexibility

Comments received from the staff retreat revealed that one of the most concerning issues to staff was the City's seemingly inconsistent approach to flexibility. A framework has been developed (Appendix C) that describes the varying degrees to which flexibility can be applied administratively to ordinance requirements. Discussions with department directors revealed a preference for increased flexibility over time. Staff has requested that some structure be applied concurrently with increased levels of flexibility to ensure a level of consistency.

Point of View Matters

The comments received from staff typically reflected on the person's professional point of view. For example several staff members commented on the tendency for trees, dense development, water quality features, and streets to all compete with one another for space on a piece of property. A person who professionally represents water quality goals would identify the problem as trees, streets, and development, as competing with water quality goals, whereas a person representing tree goals would cite water quality, development, and streets as all

competing with tree goals. This was observed for all four of these goals, which reveals that some education may be needed for staff to understand and embrace goals of other disciplines.

Issues are Best Identified from Recent Examples

Almost all of the identified issues were derived from development proposals that were evaluated during the initiative, as opposed to observation about long-term patterns. For whatever reasons this occurred, it suggests that the list of issues is probably not comprehensive. Therefore, we will continue to seek feedback on an ongoing basis to identify potential ordinance misalignments.

Industry was Nonresponsive

During this initiative, various stakeholder groups were informed about this initiative and asked to answer a simple two-question survey to identify potential issues from their point-of-view. These groups included REBIC, the Chamber Land Use Committee, the Subdivision Steering Committee, and CDOT's Director's Roundtable. Despite the warm reception this initiative received from these groups and the reminder e-mails sent, no comments were received from any of these groups. It is difficult to draw conclusions about why no one responded.

Need for Revised Stakeholder Group Formats

Based on discussions that have occurred during this phase of the initiative it is apparent that the current Subdivision Steering Committee and CDOT Director's Roundtable are outdated and do not serve the City or the stakeholders very well. Now that the Subdivision Ordinance applies to commercial development, there is a need to broaden the Subdivision Steering Committee to include other commercial perspectives. The Director's Roundtable format seems inconsistent with the strategic goal of integrating City land development groups into a single functional group. The idea of replacing these two groups has been tested with current stakeholder members and has been well-received so far.

V. NEXT STEPS (PHASE II)

In order to follow through on the first phase of the Ordinance Alignment Initiative, the following next steps have been identified:

1) Develop Implementation Strategies for Ranked Issues
    - Identify priority work items from ranked issues list with input from department directors
    - Form work teams
    - Identify process for technical and stakeholder work
    - Produce schedules and include in balanced scorecard targets and business plans
2) Implement Various Process and Other Ordinance and Policy Changes
    - Form work teams
    - Produce schedules and include in business plans.
3) Present Findings to Development Services Staff
    - Reconvene all Development Services Staff
    - Present key findings
    - Discuss next steps
    - Encourage continual identification of issues
4) Staff Cross-Training
    - Identify key training needs to further the collective understanding of how different professional disciplines contribute to the City's Development Vision
    - Develop and implement training accordingly
    - Consider hiring an outside resource to train staff on the concepts of sustainability and growth management
    - Further develop the concept of "structured flexibility" and train for use by staff
5) Reform Stakeholder Groups
    - Develop options for replacement groups for the Subdivision Steering Committee and Director's Roundtable
    - Present and discuss options with existing stakeholder members
    - Seek to implement new formats during FY 13

6) Update Balanced Scorecard Targets to Include:
    - Implementation actions from the Ordinance Alignment Initiative
    - Stakeholder meeting reconstitution
    - Project review completion targets

7) Procedures for New Ordinances and Ordinance Revisions
    - Ensure that new ordinance revisions are considered from the perspective of a common development vision prior to being advanced for stakeholder involvement

Appendix A – Ranked Misalignment Issues

Title	Description	Gap	Overlap	Misalign	Process	Supports Goals of L.D. Vision	Improves Flexibility	Eliminates Confusion	Addresses Known Frustration	Easy to Implement	Addresses Goal Prioritization	Frequent Occurrence	Total
Coordinate ordinance requirements for frontage improvements	Various ordinances/code sections make requirements for sidewalk and curb & gutter. Chapter-19 has perceived loopholes for avoiding requirements. Subdivision Ordinance can sometimes require improvements to be constructed prematurely (for instance, commercial minor subdivisions). Should look at all these requirements and make sure we have the ability to make good, consistent, and timely requirements for frontage improvements.			X		3	0	3	3	0	1	3	13
Street Grades in Environmentally Critical Areas	1. Street slope requirements do not take into consideration steep topography in some areas. This causes excessive grading to obtain required street slopes. This issue is especially critical in the lake areas where topography is extreme.			X		3	3	0	2	2	1	2	13
Curb and Gutter Requirements	2. Curb and gutter concentrating flow is bad for the environment. Roadside ditches where some water is absorbed and vegetation slows velocity is a better solution in many areas.			X		3	3	0	2	2	1	2	13
Subdivision Ord. Sidewalk Requirement (Sec. 20-55)	Change 20-55 so that a variance could be used to not require sidewalk where it is not needed or would require large trees to be removed.			x	x	0	3	2	2	1	2	2	12
Common Green Spaces	Need for alignment of PCCO natural area requirements, ZO open space requirements, tree ordinance tree save requirements, and public park goals.		x	x		3	0	2	2	0	1	3	11
Additional flexibility for bmp locations	Consider allowing bioretention in Zoning buffers. Bioretention requires plantings that could help satisfy the screeninig requirements.	X				3	3	0	2	1	0	2	11
Differing Sidewalk Requirements	Sidewalks are regulated in Chapter 19, the Subdivision Ordinance, and the Zoning Ordinance with different requirements for when they are installed and to what standard.			x		0	0	3	3	0	2	3	11
Consistent definition/treatment of redevelopment	PCCO, Zoning, Tree Ordinance define redevelopment differently or do not recognize it as a development category at all. Need consistent definition and treatment of redevelopment sites. Ordinances should incent redevelopment.			x		3	0	3	2	0	0	2	10

Title	Description	Gap	Overlap	Misalign	Process	Supports Goals of L.D. Vision	Improves Flexibility	Eliminates Confusion	Addresses Known Frustration	Easy to Implement	Addresses Goal Prioritization	Frequent Occurrence	Total
Tree Ordinance Requirement for a 8' Continuous Planting Strip	Does the tree ordinance requirement for an 8' continuous planting strip apply to private streets as well? The language in section 21 - 96 speaks to public streets, however, there are no specific references to private streets in that section. In areas where the city is trying to promote more private street connections along with exercising design flexibility for streets (types of on - street parking, cross - section, centerline radius, etc.), wouldn't the existing tree ordinance allow this same design flexibility with respect to planting strip widths? As I read the ordinance it appears that it does, however, in practice we are requiring an 8' planting strip.					2	2	2	1	1	1	1	10
Ped Zoning and Tree Ordinance	Additional Tree Ordinance Flexibility is needed for PED Zoned properties			X		3	2	0	2	0	0	2	9
Loss of required parking to comply with CDOT and Urban Forestry:	Changes to existing development triggers review by CDOT and/or Urban Forestry which requires driveway and/or Urban Forestry compliance. This results in loss of required parking spaces. One solution is a change to the Zoning Ordinance allowing for up to a 25% reduction in parking similar to existing provisions of the Zoning Ordinance(section 12.202(2))					3	0	0	1	1	3	1	9
Driveway Regulations and Small Urban Sites	Driveway Regulations seem excessive for small urban sites			X		2	2	0	0	2	1	2	9
Consistent Definitions	Promote consistent definitions across all ordinances to help with enforcement, interpretation, and clarity for the public and staff.		X	X		0	0	3	2	0	0	3	8
Large Development	Determine how the City will apply various ordinances to large developments such as Belgate, City Park, Berewick, etc. Are these sites treated as one whole, or as a series of small pieces?					2	0	2	1	1	0	2	8
Maneuvering in R/W	City Code prohibits vehicles from backing and manevering in the right-of-way. This can be a problem for small urban sites which might benefit from having the ability to allow this under specific conditions.	x				2	2	0	0	1	0	2	7
Impacts to required trees in planting strips	When a project designer decides to handle trash collection with roll out containers they have to be placed at the street. This may require concrete pads in the right of way and in the planting strip. This diminishes the effectiveness of the planting strips ability to support trees. In addition it results in dead grass and compacted soil. 2) Another issue that impacts the tree planting strips is on street parking. When the planting strip is bisected by concrete walk ways the trees ultimately suffer. This plays out in different ways depending on the design and parking space orientation.			X		1	0	0	1	1	2	2	7
Parking	90 Degree parking should not be allowed on public streets as it conflicts with the pedestrian feel of the development.					2	0	0	1	2	0	2	7

Appendix B – Process-Related and Other Identified Issues

Tree removal fee vs. required curb	If a street is required to be improved to a standard street section and it forces the removal of a tree, then the developer must pay a fee.
Sediment basin removal vs homebuilding	Streets should not be accepted until all sediment basins are removed. Under current standards temporary erosion and sediment control measures are not designed to efficiently function for more than 36 months. If this is something that cannot be achieved we should explore bonding for erosion control maintenace and removal.
Timely removal of erosion control devices	Not sure if this is a lack of ordinance authority or just a policy that should be revised. We have many sites with abandoned sediment basins, remnants of silt fences, etc., that become community eyesores. We should have the authority to require timely removal of these items when no longer needed and the propoer procedures in place to make sure it happens.
Acceptance of street maintenance in ETJ	Subdivision Ordinance conditions bond release upon construction of Ordinance required infrastructure (streets, storm drainage systems, etc.) not acceptance of street maintenance responsibility by City or NCDOT. NCDOT policies and procedures can unreasonably delay or prevent NCDOT subdivision street acceptance, forcing neighborhoods to privately maintain their streets until annexed by the City. With recent changes to annexation law and reduced demand for new homes, the timeline for annexation can be extended indefinitely. Consider the need for more protection of homeowners, possibly through Ordinance amendment adding a maintenance bond requirement or pursuing state funding for City maintenance of ETJ subdivision streets.
Subdivision Bond Requirement	Revise 20-58 of Subdivision Ordinance so that bond is released at street acceptance not when work is complete. Or convert existing bond to maintenance bond.
Inlet protection on public streets needs to be provided and maintained	If properly maintained, silt sacks in curb inlets would provide surface water protection for recieving streams where basins have been removed or otherwise unable to be placed.
Banquet/conference facilities:	Need definition, allowable districts and requirements. Property owners and potential tenants are constantly seeking business licenses and permits to operate these type operations. Currently, zoning is treating them as nightclubs since we have no control over individual events at these facilities. We assume that alcohol and entertainment will be provided.
Setback issues with USDG (1):	Need Code clarification and/or clear policy and procedures for determining whether existing or future curb prevails. The responsible staff and how future curb is determined needs to be established. This is a major obstacle during plan review or providing code assistance to designers and property owners.
Solar arrays as an accessory use:	Need standards on solar arrays as accessory uses and clarification on when they cease being accessory and become power generating plants.
Lighting	Current Code provisions do not include any measurable quantitative standards for lighting. The language is vague and general. In addition, lighting is mentioned numerous places in the Code and the language is not consistent.
Planning and DOT regulations taking precedence over environmental issues	3. Connectivity and USDG often conflicts with stream protection initiatives.
Sight Distance Triangle Issues	CDOT sight distance triangles conflicting with NCDOT and tree ordinance required trees - we allow limbing up but sight distance often prevails and trees are removed
Flexibility	Develop tools / processes for a more structured approach to providing administrative flexibility, as discussed during and after retreat.
CLDSM Purpose Statement	Develop an introductory page to the CLDSM describing the purpose of the manual so as to clarify its role in the development process.
Setback issues with USDG (2):	Need Code clarification and/or clear policy and procedures for determining whether existing or future curb prevails. The responsible staff and how future curb is determined needs to be established. This is a major obstacle during plan review or providing code assistance to designers and property owners.
Rezoning Comments	Not all departments are commenting on rezoning petitions during the review period, which causes major issues during the permitting stages.
Conventional Rezonings	Requests are received from other departments for conditional notes conventional rezoning petitions.
Conditional Rezoning Plans and Notes	Site plans and notes are approved by City Council and only minor changes can be made through the administrative approval process. Only Planning can authorize administrative changes.

Appendix C – Structured Flexibility

Increasing Predictability ↑

	Requirement	Example
A	Requirements Established Legislatively |	Administered Objectively
1	Ordinance requirement	Zoning Ordinance - No permanent structures allowed in a setback.
2	Ordinance requirement with compliance options	PCCO – On-site mitigation devices or fee-in-lieu.
3	Ordinance requirement with objective exemptions	Tree Ordinance – Required tree save unless property located in transit station area.
B	Requirements Established Legislatively |	Administered Subjectively
4	Ordinance requirement with subjective exemptions	Subdivision Ordinance – A normally required street may not be required if it would cross a railroad.
5	Subjective ordinance requirements	Zoning Ordinance – Additional proposed right-of-way may be required at intersections according to the Department of Transportation.
C	Administrative Rulemaking |	Administered Objectively
6	Requirements communicated through Standards Manual	Handrail: Details includes items ranging from welding requirements to warrants for installation.
D	Administrative Rulemaking |	Administered Subjectively
7	Deviation from detail in Standards Manual based on adopted area plan	An area plan recommends a narrower sidewalk than the standard requirement in order to honor the existing context.
8	Deviation from detail in Standards Manual based on design principle or reasonableness	Staff believes a standard requirement is inappropriate and wants to change the sidewalk width to match the context.

Increasing Flexibility ↓